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GARY R. BAKER
EXECUTIVE DIRECTOR

State of South Carolina

State Ethics Commission

(803) 758-7408
1122 Lady Street, Ste. 930
Columbia, S.C. 29201

NEWSLETTER

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STATE DOCUMENTS

October 1985

No. 86-001

OFFICEHOLDERS REPRIMANDED

The State Ethics Commission, at its meeting on Wednesday, September 18, publicly reprimanded five public officeholders for failure to file a Statement of Economic Interests in a timely manner. Reprimanded by the Commission were Arthur Bradley, Commissioner of Talatha Water District; George W. Brown, Ridgeland City Councilman; Jimmy D. Hill, Greenwood City Councilman; Stella Joyner, Marlboro County Area School Board Member; and Winston D. Sparks, Abbeville County School Trustee. The five officeholders were required to file a Statement of Economic Interests prior to April 15. The State Ethics Commission referred the complaints concerning Brown and Sparks to the Attorney General's Office since neither had filed the form as of the date of the hearing. No further action is contemplated against those three officeholders.

REVOLVING DOOR-ACTIVITIES PROHIBITED

§8-13-490 of the State Ethics Act prohibits former employees and members of regulatory agencies from representing clients before their former agency on matters in which they were directly and substantially involved while a public official or employee. The State Ethics Commission has determined that a matter includes, but is not limited to, some action or decision necessary to seek licensing, permit, application, etc. A subsequent action which is not related to and not dependent upon the first action may be acceptable for involvement, as long as the employee did not participate in it while employed with the agency.

Questions concerning representations by former employees and officials should be referred to the Commission office.

ANNUAL REPORT PUBLISHED

The State Ethics Commission's tenth annual report is presently being edited and printed. During the 1984-85 fiscal year, the Commission issued 32 formal advisory opinions and numerous informal opinions. A total of 6,998 Statements of Economic Interests were received, along with 1,793 Campaign Disclosure Forms. Thirty-two complaints were filed during the fiscal year, with fourteen of these receiving final action, 19 of the prior fiscal year's complaints receiving final action, with 20 awaiting further action at the fiscal year end.

Copies of the annual report, which also contains the full text of all advisory opinions, may be requested from the Commission office.

DUAL OFFICEHOLDING; SCHOOL DISTRICT BUSINESS

Periodically, the State Ethics Commission reviews the Statements of Economic Interests to determine if persons filing disclose the holding of more than one public position. Additionally, the Commission has reviewed the Statements to determine if school board trustees are conducting business with the school district with which they serve. Officeholders who disclose such information are notified of potential problems, not necessarily with the State Ethics Act, but separate statutes which prohibit the holding of more than one public office or prohibit an interest in a contract with the school district by a school trustee. Matters involving officeholders who disclose such potential conflicts in succeeding years are then referred to the local Solicitor for review and any further action deemed appropriate.

Officeholders who hold more than one public position or school trustees who conduct business with their school district should refer questions to their agency attorney or contact the Commission office.

DIGEST OF ADVISORY OPINIONS

SEC 85-031 (Clarification)**July 10, 1985**

SUMMARY: In compliance with Section 8-13-490 the State Ethics Commission advises that a former DHEC employee may not represent clients on matters which resulted from disapproval of earlier projects on which he took some action while employed with DHEC.

Requestor: Frank Spinelli

Entity: Department of Health and Environmental Control

SEC 86-001**July 10, 1985**

SUBJECT: CITY COUNCILMAN SERVING AS VOLUNTEER FIRE CHIEF

SUMMARY: A City Councilman may also serve as the Fire Chief of the Volunteer Fire Department. He shall follow the procedures of section 8-13-460 in matters related to the fire department which require action by the city council.

Requestor: Honorable Lois Y. Martin

Entity: Town of Lane

SEC 86-002**July 10, 1985**

SUBJECT: (1) MAYOR HOLDING EMPLOYMENT WITH TOWN (2) DISCLOSURE OF EARNINGS ON STATEMENT OF ECONOMIC INTERESTS

SUMMARY: A Mayor was advised to seek the advice of the Attorney General's Office to determine whether she could hold employment with the town. She was also advised that any compensation received from the town is to be disclosed on the Statement of Economic Interests.

Requestor: Honorable Lois Y. Martin

Entity: Town of Lane

SEC 86-003**July 10, 1985**

SUBJECT: DIRECTOR OF STATE DEVELOPMENT BOARD RECEIVING SALARY SUPPLEMENT

SUMMARY: The Chairman of the State Development Board was advised to seek a legal opinion from the Attorney General's Office as to the propriety of the Board supplementing the salary of the new agency director through funds from a private foundation.

Requestor: Joseph D. Sapp, Chairman

Entity: State Development Board

SEC 86-004**July 10, 1985**

SUBJECT: COUNTY COUNCIL MEMBER'S LAW PARTNER PERFORMING WORK FOR COUNTY

SUMMARY: The State Ethics Act does not prohibit an assistant county attorney from being a law partner of a member of county council. The two attorneys would be required to follow the provisions of §8-13-460 in any matters affecting the financial interests of their business partnership. It was also advised that if frequent conflicts arise, consideration be given to the resignation of one or the other from the official position. The Commission advised that a legal opinion be obtained from the Attorney General concerning a county ordinance and legislation.

Requestor: Robert D. Coble, Attorney

Entity: Richland County Council

SEC 86-005**July 10, 1985**

SUBJECT: BUILDING INSPECTOR AS A PARTNER IN ELECTRICAL CONTRACTING FIRM

SUMMARY: A newly-hired building inspector would not be prohibited from continuing an association with an electrical-plumbing firm based upon certain terms and conditions of his employment which prohibit the firm from accepting business within the town limits. Work in progress will be reviewed by the present inspector.

Requestor: Frank Roberts, Town Administrator

Entity: Town of Surfside Beach

SEC 86-006**July 10, 1985**

SUBJECT: DSS CONTRACTING WITH FIRM OWNED BY BROTHER AND SPOUSE OF COUNTY DIRECTOR

SUMMARY: A storage firm owned and operated by the spouse and brother of a County Director of DSS may bid on and perform a contract with DSS provided the County Director takes no part in any matters affecting the contract.

Requestor: James L. Solomon, Jr., Commissioner

Entity: South Carolina Department of Social Services

SEC 86-007

July 10, 1985

**SUBJECT: CITY COUNCILMAN'S FIRM
CONDUCTING BUSINESS WITH CONTRAC-
TOR OF CITY SERVICES**

SUMMARY: A contractor who provides sewage operations for a town is advised to utilize the town's repair rotation system for repair of town vehicles utilized by the contractor.

Requestor: George H. Spare, Town Administrator
Entity: Town of Hardeeville

SEC 86-008

July 10, 1985

**SUBJECT: SCHOOL TRUSTEE VOTING ON
DISTRICT BUDGET**

SUMMARY: A school district trustee is advised against voting on the school district budget which includes salary increases for employees since his spouse is an employee of the district. He is advised to follow the procedures of §8-13-460 in matters related to the school district budget.

Requestor: Robert L. Waldrep, Jr., Attorney
Entity: Anderson County School Board

SEC 86-009

July 10, 1985

**SUBJECT: CITY COUNCIL MEMBER ALSO
SERVING AS CONSTABLE TO MAGISTRATE**

SUMMARY: There are no prohibitions in the State Ethics Act against a city council member also serving as constable to a Magistrate. If allowed by other statutes to serve, he would be required to follow the procedures of §8-13-460 on matters requiring his actions as a city council member which would affect his position as a constable.

Requestor: Honorable Lois Y. Martin
Entity: Town of Lane

SEC 86-010

July 10, 1985

**SUBJECT:(1) COUNTY COUNCIL MEMBER
VOTING ON TRAVEL REIMBURSEMENT TO
BOARD MEMBERS OF ORGANIZATION ON
WHICH SHE SERVES AS BOARD MEMBER (2)
COUNTY LEGISLATIVE DELEGATION
MEMBERS RECEIVING LUMP SUM PAY-
MENTS FOR OFFICE SPACE**

SUMMARY: A county council member is advised to disclose her interest in and disqualify herself from participation in budgetary matters affecting the Human Development Board, a private non-profit organization of which she is a board member. The State Ethics Commission advises that the Senate and House Ethics Committees be questioned concerning lump sum payments for office space being paid to the county legislative delegation members.

Requestor: Ms. Sandra L. Willis
Entity: Dorchester County Council

SEC 86-011

July 10, 1985

**SUBJECT: CITY COUNCIL MEMBER
PERFORMING WORK FOR CITY**

SUMMARY: A city council member is not prohibited by the State Ethics Act from conducting business with the city, provided he disqualifies himself from any actions concerning such contracts in his official capacity.

Requestor: Kenneth E. Barnett, Finance Director
Entity: City of Union

SEC 86-012

July 10, 1985

**SUBJECT: .MAYOR VOTING ON ZONING
ORDINANCE WHICH AFFECTS HIS
INTERESTS**

SUMMARY: The Mayor of York is advised to refrain from discussing and voting on zoning changes to avoid the appearance of impropriety since he foresees a direct and immediate personal benefit from such passage.

Requestor: Honorable Eugene L. Barnwell
Entity: City of York

SEC 86-013

July 10, 1985

**SUBJECT: BOARD OF VISITORS MEMBER
CONTRACTING WITH THE CITADEL**

SUMMARY: A member of the Board of Visitors of The Citadel would not be prohibited from bidding on and performing a contract to provide renovation services to The Citadel, provided he takes no part in any matter affecting the contract.

Requestor: Robert H. Barton, Jr., Vice President,
Administration
Entity: The Citadel

SEC 86-014

September 18, 1985

**SUBJECT: POLICE OFFICER BEING
EMPLOYED AS A SECURITY GUARD**

SUMMARY: The State Ethics Commission advises that an off-duty police officer should not be employed as a private security guard since it appears fraught with potential areas of conflict of interests and also appears to violate the State Constitution's provisions against dual officeholding.

Requestor: William J. Sidoran, Chief of Police
Entity: City of Lancaster

SEC 86-015

September 18, 1985

SUBJECT: SCHOOL TRUSTEE SELLING INSURANCE TO SCHOOL DISTRICT EMPLOYEES

SUMMARY: A School Board Trustee is advised not to engage in solicitation of school district employees for the sale of insurance policies to be payroll deducted. Although it is not prohibited by the letter of the Ethics Law for another employee of the insurance agency to solicit such school district employees, the State Ethics Commission advises against such activity, to preclude the appearance of impropriety.

Requestor: P.A. Pournelle, III, Trustee

Entity: Colleton County School Board

SEC 86-016

September 18, 1985

SUBJECT: MEMBER OF THE FIRE COMMISSION SERVING ON ARSON STUDY COMMITTEE

SUMMARY: A newly-elected member of the Arson Advisory Committee is advised against participation in matters affecting his business or his clients by following the disclosure and disqualification procedures of §8-13-460. He is further advised against utilization of confidential information for the benefit of his clients.

Requestor: Lewis B. Lee, Chairman

Entity: South Carolina State Fire Commission

SEC 86-017

September 18, 1985

SUBJECT: EMPLOYEE'S FIRM SUBMITTING BID ON EQUIPMENT REQUESTED BY EMPLOYEE

SUMMARY: The business firm of an employee may not participate in procurements in which the employee has participated in any way through advice, decision, recommendation, approval, disapproval, investigation, etc.

Requestor: Dr. G. Robert Ross, Director Evaluation Services

Entity: Medical University of South Carolina

SEC 86-018

September 18, 1985

SUBJECT: PUBLIC EMPLOYEE'S FIRM DEVELOPING SOFTWARE FOR AGENCY

SUMMARY: A public employee may develop computer software for a department of his agency if he has taken no action on the project as a public employee and provided such work is consistent with the off-duty employment guidelines and appropriate procurement procedures.

Requestor: Charlie Robinson, Data Processing Department

Entity: Medical University of South Carolina

SEC 86-012

September 18, 1985

(Reconsideration)

SUBJECT: MAYOR VOTING ON ZONING ORDINANCE WHICH AFFECTS HIS INTERESTS

SUMMARY: The Mayor of York is advised to refrain from discussing and voting on specific portions of the zoning ordinance which would affect his personal financial interests to avoid the appearance of impropriety. He may participate in discussions and votes on provisions of a zoning ordinance which would not affect his personal financial interests.

Requestor: Honorable Eugene L. Barnwell

Entity: City of York

State Ethics Commission

1122 Lady Street, Suite 930
Columbia, S.C. 29201

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